

**REMARKS**

Claims 25, 73-78, 80-82, 84-89, and 91-93 are pending in the application. Claim 1-24, 26-72, 79, 83, and 90 were previously cancelled. Claims 25 and 73-78 and 80-82 are amended. No new matter is introduced by these amendments and their entry is respectfully requested.

In view of the below remarks, Applicants believe the claims are in condition for allowance and reconsideration is respectfully requested.

**Rejections under 35 U.S.C. § 101.**

The Examiner rejected claims 25 and 73 – 82 under 35 U.S.C. § 101. Claim 79 is canceled. Accordingly, the Applicants respectfully request that the rejection with respect to claim 79 be withdrawn.

Applicants believe that determining an assignee type is a practical result and further that the method recited in the claim results in a physical transformation. Nonetheless, to expedite prosecution Applicants have amended claims 25, 73-78 and 80-82 to claim a computer comprising: a processor and a memory, the memory including program code to perform a method. As such, Claims 25 and 73, along with claims 74 – 82, which depend there from, should be in immediate condition to overcome this rejection. Applicants respectfully request that the Examiner withdraw the rejection of claims 25 and 73 – 82 under 35 U.S.C. § 101.

**Rejections under 35 U.S.C. § 102**

Claims 25, 73-78, 80-82, 84-89, and 91-93 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,810,383 to Loveland (“Loveland”). Applicants respectfully traverse this rejection.

Loveland fails to teach each and every element of amended claim 25. Specifically, Loveland fails to teach “assigning a score to a first and second data elements, the score responsive to scoring rules, wherein the first and second data elements include two or more data from the group consisting of policy information, vehicle information, number of vehicle involved, repair cost, number of party involved, time of incident, and location of incident,” as recited in claim 25.

Nowhere does Loveland teach or suggest that the “project parameters” of Loveland include “two or more data from the group consisting of policy information, vehicle information, number of vehicle involved, repair cost, number of party involved, time of incident, and location of incident.” For example, Loveland does not expressly state that a project parameter can be vehicle information, number of vehicle involved, and time of incident. Thus, claim 25 is patentable over Loveland for at least this reason.

Further, Loveland does not teach or suggest “determining a type of assignee to whom to assign the insurance claim according to the application of business rules to the overall score of the insurance claim and the class of the insurance claim, wherein the business rules weight the class more highly than the score,” as recited in claim 25.

Loveland is directed to an “assignment rotation” routine where “a list of all service providers is filtered to find a service provider qualified to perform the project at hand.” Loveland, Col. 15, lines 29-30. In Loveland, the list of providers is filtered “to remove any service provider which are not pre-approved . . . to remove any service provider which have received poor quality ratings or complaints.” Id. at Col. 15, lines 41-45. “The list of qualified service providers 250 is further prioritized through a turn sequencing process 228 shown in detail in FIG. 20.” Id. at Col. 15, lines 58-60. Referring now to FIG. 20, the following criteria are used by process 228 to assign a service provider: 1) customer's rules for weighting; 2) history of the last time an assignment was sent to service provider; 3) history of customer satisfaction; and 4) history of performance track record. Nowhere does Loveland teach or suggest prioritizing the project by the overall score and the class of the project parameters and to weight the project parameters class more than the overall score. Thus, claim 25 is patentable over Loveland.

For at least these reasons, Applicants respectfully submit that claim 25, is patentably distinct over Loveland, and respectfully request that it be passed to allowance. Independent claims 73 and 84 recite similar features as distinguished above, they are thus patentable over Loveland for at least the same reasons with respect to claim 25. Applicants respectfully submit that claims 25, 73, and 84 and all the claims that depend therefrom are patentably distinct over Loveland, and Applicants respectfully request that they be passed to allowance.


**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 18-1953 referencing Docket No. 13CN-126552. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 20, 2008

Respectfully submitted,

By:   
Lester J. Anderson  
Registration No.: 45,833

SHEPPARD MULLIN RICHTER &  
HAMPTON LLP  
333 South Hope Street, 48th Floor  
Los Angeles, CA 90071-1448  
Telephone: (858) 720-8900  
Facsimile: (858) 509-3691